

### **REMARKS**

This is in response to the non-final Office Action dated May 22, 2003.

#### **Summary of Amendment**

Claims 1-4 and 14-31 have been cancelled without prejudice.

Claims 5 and 7-12 have been amended so that Claims 5-13 now depend from new Claim 32 which was noted as having allowable subject matter.

New claims 32-55 have been added. These claims include independent claims noted as being allowable if rewritten in independent form including the base claim and any intervening claims and dependent claims depending from the new independent claims.

#### **Rejections under 35 U.S.C. 112**

The Office Action rejected Claims 14-18 under 35 U.S.C. 112, second paragraph. The Office Action stated that "the preamble of Claim 14 is directed to **a method of operation of use of** a toy travel clock, however limitations or steps listed after the preamble do not correlate. The method steps appear to be a method of how the device functions internally (or a method of how the toy works) instead of a method of operation of use of the device." Office Action, Page 2. Claim 14 has been cancelled. Claims 15-18 which depended from Claim 14 and were noted as containing allowable subject matter have been cancelled and rewritten in independent form as Claims 39-42. The preambles of claims 39-42 each recite "a method performed by a toy travel clock." Applicant respectfully submits that the rejection of Claims 15-18 under 35 U.S.C. 112 has been overcome. If the Examiner is still not satisfied with the language of the preamble of Claims 39-42, Applicant requests that the Examiner telephone Applicant's attorney to resolve this issue.

#### **Allowable Subject Matter**

The Office Action noted that claims 3-4, 8-9, 11, 13, 21-24, 27, 29 and 31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Office Action, Page 5. As mentioned above, Claims 15-18 were noted

as being allowable if rewritten to overcome the rejection(s) under 365 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Office Action, Page 5.

New independent Claim 32 includes the subject matter of Claim 21 which was noted as being allowable. Claim 32 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 32 is believed allowable. Claims 5-13 have been amended to depend from Claim 32. Since Claims 5-13 depend from an allowable base claim, these claims are also believed allowable.

New independent Claim 33 includes the subject matter of Claim 8 which was noted as being allowable. Claim 33 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 33 is believed allowable. New dependent claims 34-38 depend from Claim 33. Since Claims 34-38 depend from an allowable base claim, these claims are also believed allowable.

New independent Claim 39 includes the subject matter of Claim 15 which was noted as being allowable. Claim 39 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 39 is believed allowable.

New independent Claim 40 includes the subject matter of Claim 16 which was noted as being allowable. Claim 40 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 40 is believed allowable.

New independent Claim 41 includes the subject matter of Claim 17 which was noted as being allowable. Claim 41 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 41 is believed allowable.

New independent Claim 42 includes the subject matter of Claim 18 which was noted as being allowable. Claim 42 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 42 is believed allowable.

New independent Claim 43 includes the subject matter of Claim 22 which was noted as being allowable. Claim 43 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 43 is believed allowable. New

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dependent claims 44-48 depend from Claim 43. Since Claims 44-48 depend from an allowable base claim, these claims are also believed allowable.

New independent Claim 49 includes the subject matter of Claim 23 which was noted as being allowable. Claim 49 includes all of the limitations of the base claim and any intervening claims. Therefore, independent Claim 49 is believed allowable. New dependent claims 50-55 depend from Claim 49. Since Claims 50-55 depend from an allowable base claim, these claims are also believed allowable.

**Rejections under 35 U.S.C. 102 and 35 U.S.C. 103**

Claims 1, 2, 7, 10, 14, 19, 20, 25, 26, 38 and 30 were rejected under 35 U.S.C. 102(b). Claims 5-6 and 23-24 were rejected under 35 U.S.C. 103(a). All of these claims have been canceled or amended to depend from a claim that was noted in the Office Action as being allowable. Therefore, these rejections are not discussed in further detail herein.

**CONCLUSION**


In view of the foregoing, Applicants respectfully submit that all of the remaining Claims, namely, Claims 5-13 and 32-55 are allowable. Therefore, Applicant requests that the application be passed to issue. Should the Examiner have any questions or any suggestions for expediting the allowance of the claims, the Examiner is invited to contact Applicants' representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 9/10/03

By:



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